

ELECTION

As will be recalled, the Applicants previously elected Invention III shown in FIGS. 11 and 12 and designated Claims 15-22 as readable on the elected species. As such, Claims 1-14 were voluntarily cancelled as being directed to non-elected species but with Applicants' rights reserved to seek future examination of such claims in related applications. This election was without traverse. In addition, Applicants previously submitted new Claims 22-36 for examination which are directed to the elected Invention.

However, in Paragraph 2 of the current Office Action, the Examiner has now alleged that new Claims 23-36 are directed to inventions that are independent or distinct from the invention claimed in the elected claims. More specifically, the Examiner alleges that the inventions claimed in independent Claims 23 and 30 are different in structure and/or operation than that disclosed in the elected species, namely the invention disclosed in FIGS. 11 and 12. This restriction and the Examiner's withdrawal of Claims 23-36 from consideration as being directed to a non-elected invention is respectfully traversed.

Analysis of the structure and function of the drive axle assemblies set forth in independent Claims 23 and 30 clearly indicates that they are directed to the "elected" embodiment shown in FIGS. 11 and 12 and disclosed in Paragraph Nos. 50-55 of the specification. Specifically, the hydraulic couplings are each located in separate clutch chambers that are distinct from the gear chamber in which the drive assembly is disposed. Since Claims 23-36 are indeed directed to the elected invention, Applicants

request reconsideration of their withdrawal and further request examination thereof on the merits.

DRAWINGS

Applicants have attached revised drawings for the Examiner's approval. In the "Replacement Sheets", reference numerals have been added in conjunction with minor amendments to the specification so as to correct various minor informalities without the addition of any new matter.

SPECIFICATION

Applicants have amended the specification and claims to address a minor informality. Accordingly, the Examiner's objection to the specification, as set forth in Paragraph No. 5 of the Office Action, have been addressed and rendered moot.

CLAIM REJECTION - 35 U.S.C. § 112

Claims 15-22 stand rejected under 35 U.S.C. § 112, second paragraph due to a minor informality in Claim 15. Applicants' amendment of Claim 15 has addressed this basis for rejection.

ALLOWABLE SUBJECT MATTER

The Examiner has acknowledged the allowable subject matter of Claims 15-22. Applicants further believe that previously presented Claims 23-36 and new Claims 37-42 are likewise allowable over the art of record.

CONCLUSION

It is believed that all of the stated grounds of the Restriction have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding actions. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1240.

Respectfully submitted,

Dated: November 12, 2004

By: 

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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings includes changes to Figures 9, 11 and 12. The attached "Replacement Sheets," which include Figures 9, 11 and 12 replace the original sheets including Figures 9, 11 and 12.

Attachment: Replacement Sheets